

SIKKIM



GOVERNMENT

GAZETTE

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**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 13/LD/18

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NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY ORGANIZATIONS (AMENDMENT) ACT, 2018 (ACT NO. 13 OF 2018)

AN

ACT

further to amend the Sikkim Regulation of Societies, Association and other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of Sikkim in the Sixty-ninth Year of Republic of India as follows:-

**Short title and
commencement**

1. (1) This Act may be called the Sikkim Regulation of Societies, Associations and other Voluntary Organizations (Amendment) Act, 2018.
- (2) It shall come into force at once.

**Amendment of
section 4**

2. In the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008 (hereinafter referred to as the "Principal Act"), for section 4 and the entries relating thereto, the following shall be substituted, namely:-

"4(1) All Societies, Organizations and Associations (hereinafter referred to as the "Association") registered under the provisions of this Act and the rules framed thereunder shall be renewed on expiry of a period of every 2 (two) years from the date of registration on payment of such fees as may be notified in this behalf.

(2) Failure to renew an association within a period of 1 (one) month from the date of expiry of the renewal of registration would render the organization liable for suspension or cancellation of its registration as the case may be without issuance of any further notice:

Provided that registration can be renewed on payment of the registration fee upto 3(three) times of usual registration fee in addition to renewal fee as may be notified in this behalf, subject to the satisfaction of the Registering Authority on reasonable and bonafide ground, showing thereby sufficient cause.

(3) All Associations registered under the provision of this Act shall be required to renew their registration in the event of any change in the Memorandum of Association and change of nomenclature.

(4) The amount of fees payable for renewal of registration on any change in the Memorandum of Association and change of nomenclature shall be half the amount paid as registration fees:

Provided that where any association whose Memorandum of Association has already been changed or amended or modified, shall not be required to pay any such fees.

(5) The Association shall submit the names of the newly elected governing body, minutes of meeting, and other relevant documents to the Registering Authority for its approval within 3(three) weeks. Failure to submit the relevant documents as referred to above, within 1(one) month shall be liable to pay upto 2 times of usual renewal fees for its approval."

**Amendment of
section 5:**

3. In the Principal Act, for section 5 and the entries relating thereto, the following shall be substituted, namely:-

"(1) All Association shall maintain proper record of their account including income and expenditure account and the balance sheet and the account shall be audited by a recognized or a registered Chartered Accountant or such authority as may be assigned/ authorized by the Annual General Body meeting to be signed by atleast 3 (three) members of the General Body before submission of the annual audit report to the Registering Authority.

(2) All Association shall maintain proper record of their activities during the preceding year and shall submit annual report of activities by 31st March of each year.

(3) All Association shall maintain a record of their account and shall submit the balance sheet, certified copy of bank passbook or statement of account from the concerned bank along with the annual audit report by 31st March of each year.

(4) In the event of failure to submit any of the documents mentioned under sub-sections (2) and (3) within the 10th day of the following month, the registration of the association shall be liable to be suspended or cancelled. However, order of cancellation or

**Amendment of
section 6**

suspension could be revoked on payment of fine of an amount equivalent to the rate of registration subject to the showing of sufficient cause to the satisfaction of the Registering Authority."

4. In the Principal Act, in section 6, -

for sub-section (1), the following shall be substituted, namely:-

"(1) Organization or Association receiving any grant or aid or other financial assistance from either Central or State Government, utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of association as the case may be, failure of the submission of the utilization certificate, the renewal of registration shall be withheld till such time utilization certificate is submitted."

(2) after sub-section (2), the following sub-section shall be inserted, namely:-

"3(i) Irregularities found in the Fund Status Report is subject to the inquiry and verification by the Registering Authority. The Registering Authority may seek for an expert opinion in the matter if any irregularities, foul play and misuse of fund is found in the fund status report and forward the report to the concerned authority for taking appropriate action as per law.

(ii) The registration or renewal of the organization shall be upheld or suspended till such time or till the finalization of the matter as the case may be."

**Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department**

